IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 4192 OF 2004

IN

CRIMINAL APPEAL NO. 342 OF 2004

Vijay Ambrushi Bhad .. Applicant

versus

State of Maharashtra .. Respondents

...

Mr.U.R. Agandsurve for the applicant.

Mr.D.P. Adsule, APP for the State.

CORAM : V.M. KANADE, J

DATED : 8th October 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicant is convicted u/s.376(2)(f) and sentenced to suffer RI for five years. The learned

counsel has submitted that prosecution has not proved commission of offence u/s.376. The medical evidence shows that there were no injuries on the private parts of the prosecutrix. Hymen also was intact. Chemical Analyser's report also does not support the prosecution case.

3. Perusal of the judgement shows that the trial Court also has given a finding to this effect in paragraph no.10 and paragraph no.13 of the judgement. The trial Court also has observed that the appellant appears to have attempted to commit the said offence. The applicant is in jail for more than a year. The appeal is not likely to come up for hearing for some time.

4. Under these circumstances, the applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in like amount. The applicant shall not enter Village Gaudgaon, Taluka Barshi, pending the hearing and final disposal of the appeal. He shall report to the nearest police station in the place where the applicant resides after he is released on bail. The applicant to give the address of the place where he will reside to the Jailor before he is released on bail.

V.M. KANADE, J